

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

CASE NO.: 1:20-cv-08417

ERIC CHAMPLIN,

Plaintiff,

v.

ALLTHEROOMS INC.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff ERIC CHAMPLIN by and through his undersigned counsel, brings this Complaint against Defendant ALLTHEROOMS INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff ERIC CHAMPLIN (“CHAMPLIN”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Champlin’s original copyrighted works of authorship.

2. Champlin is a freelance outdoor, travel and events writer and photographer for the Atlanta Journal-Constitution, and founder & editor of AtlantaTrails.com. Prior to transitioning to freelance photographer, Champlin worked as a Senior Art Director to Creative Director for large brands like AT&T, Delta Air Lines, Verizon, Maybelline and Garnier. His freelance clients include Blue Cross / Anthem, Georgia Pacific, Capital Lighting, Moptop Hair and Fuzzy Duck.

3. Defendant ALLTHEROOMS INC. (“Rooms”) seeks to assist investors with data management concerning short-term rental vacation rental owners, investors, property managers, tourism boards, hotels and others understand the short-term rental markets.

4. Champlin alleges that Rooms copied Champlin’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Rooms committed the violations alleged in connection with Rooms’ business for purposes of advertising and promoting sales to the public in the course and scope of Rooms’ business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. AllTheRooms Inc. is a New York Corporation with its principal place of business at 425 W 53rd Street, Suite 408, New York, NY 10019, and can be served by serving its Registered Agent, Mr. Joseph DiTomaso, 425 West 53rd Street, Apartment 408, New York, NY 10019.

THE COPYRIGHTED WORK AT ISSUE

10. In 2015, Champlin created a photograph entitled “tallulah gorge north south rim trails 01,” which is shown below and referred to herein as the “Work”.

11. Champlin registered the Work with the Register of Copyrights on June 24, 2018 and was assigned the registration number VA2-109-570. The Certificate of Registration is attached hereto as Exhibit 1.

12. At all relevant times Champlin was the owner of the copyrighted Work at issue in this case.



INFRINGEMENT BY DEFENDANT

13. Rooms has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Rooms copied the Work.

15. Rooms copied Champlin's copyrighted Work without Champlin's permission.

16. After Rooms copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its posting for "10 Amazing Places to Visit in Georgia."

17. Rooms copied and distributed Champlin's copyrighted Work in connection with Rooms's business for purposes of advertising and promoting Rooms's business, and in the course and scope of advertising and selling products and services.

18. Champlin's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

19. Rooms committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

20. Champlin never gave Rooms permission or authority to copy, distribute or display the Work at issue in this case.

21. Champlin notified Rooms of the allegations set forth herein on December 26, 2019 and February 5, 2020. To date, Rooms has failed to respond to Plaintiff's Notices. Copies of the Notices to Rooms are attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

22. Plaintiff incorporates the allegations of paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. Champlin owns a valid copyright in the Work at issue in this case.

24. Champlin registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

25. Rooms copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Champlin's authorization in violation of 17 U.S.C. § 501.

26. Rooms performed the acts alleged in the course and scope of its business activities.

27. Rooms's acts were willful.

28. Champlin has been damaged.

29. The harm caused to Champlin has been irreparable.

WHEREFORE, the Plaintiff Eric Champlin prays for judgment against the Defendant AllTheRooms Inc. that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
- e. Plaintiff be awarded prejudgment interest; and
- f. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: October 8, 2020

Respectfully submitted,

/s/ Joseph A. Dunne

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